

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application are respectfully requested.

As correctly stated in the Official Action, claims 1-8, 10, 13-17, 19-20, and 22 are pending in the present application. Claims 1-8, 10, 13-17, 19-20, and 22 stand rejected.

By the present amendment, claims 3 and 5 have been amended to correct the spelling of "fibres." New claims 23-30 have been added. Support for these new claims can be found, at least, on page 1, lines 10-11, and page 13, lines 5-30, of the application as originally filed. No new matter has been added.

Examiner Interview Summary

Applicant gratefully acknowledges the courtesy shown by Examiner Kidwell to Applicant's undersigned representative during the telephonic interview on June 17, 2003. During this interview, Applicant's representative and the Examiner reached agreement that the Miller et al. publication did not anticipate or render obvious the presently claimed invention for the reasons discussed in more detail below. The Examiner deemed the present claims allowable over the Miller et al. reference. Applicant's representative indicated that a Reply/Amendment to the Official Action would be filed, including some additional dependent claims. The Examiner noted that an update of the search would be performed.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5, 10, 16-17, 19-20, and 22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Miller et al. (U.S. Patent 3,799,167). The Examiner argues that Miller et al. disclose an absorbent article with a liquid-pervious layer, a liquid-impervious surface layer and an absorbent body enclosed between the two surface layers. The Examiner further alleges that the liquid-permeable surface layer has a wetting region of hydrophilic absorbent material and all remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material. This rejection is respectfully traversed.

Applicant respectfully submits that the Examiner's characterization of the disclosure of Miller et al. is incorrect. Miller does not disclose "a liquid-pervious surface layer...[and] a wetting region..., which is the region of the liquid-pervious surface layer which is intended to first be wetted by body fluid...wherein the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material...all remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material" as found in independent Claim 1 of the present application. Applicant notes that independent Claims 16, 19, 20, and 22 utilize these same features. Accordingly, the present remarks apply to these independent claims as well.

On page 3 of the Office Action, the Examiner describes the diaper of Miller et al. as exhibiting "a wetting region wherein the liquid-pervious surface later within the wetting region is constituted of **hydrophilic** absorbent material and all remaining parts of the liquid-pervious surface later are constituted of a hydrophobic material (16')." (Emphasis added). Applicant respectfully submits that his is incorrect. Miller et al. do **not** ever use "**hydrophilic**" to describe any portion of the diaper. In fact, Miller et al. describe "a moisture permeable material having a peripheral margin thereof rendered moisture impermeable." Col. 1, lines 19-21. The diaper of Miller et al. "incorporates a pad means 12 formed by a core pad 14 of absorbent material, such as plied and creped wood pulp wadding of the usual sort, with a covering sheet 16 of moisture permeable non-woven fabric of **hydrophobic** character." Col. 1, lines 42-46. (Emphasis added). This disclosure is in contradiction with the Examiner's statement on page 3 of the Office Action, in characterizing the **same passage** from Miller et al., that "Miller discloses an absorbent article wherein the hydrophilic material in the liquid-pervious surface layer primarily consists of **hydrophilic** absorbent fibers as set forth in col. 1, lines 40-48."

Further, on page 3 of the Office Action, the Examiner further relies on the mischaracterization, stating, "Miller discloses an absorbent article wherein the hydrophobic material in the liquid pervious surface layer is constituted of a **hydrophilic** material which has been rendered hydrophobic as set forth in col. 2, lines 14-20." Applicant respectfully submits that this is also incorrect. Miller et al. state that "[t]reatment of the covering sheet

16 to render its peripheral margin 16' moisture impermeable can be effected." Col. 2, lines 14-16. As noted above, the covering sheet 16 (the moisture permeable material) is not hydrophilic, but is rather **hydrophobic** as described in Col. 1, lines 44-46. Thus, Miller fails to teach an element of the presently claimed invention, *i.e.*, a wetting region of hydrophilic, liquid-pervious material surrounded by a hydrophobic, liquid-pervious material. Applicant respectfully submits that the Examiner has carried this mischaracterization of Miller throughout the application of this publication in rejecting claims 16, 17, 19, 20, and 22 as discussed on pages 3-5 of the Office Action.

Applicant also notes that the Examiner appears to incorrectly equate "moisture-impermeable" and "hydrophobic." A liquid-pervious layer can be both hydrophilic and hydrophobic (*e.g.*, as in the presently claimed invention), but a liquid-pervious layer can never be moisture impermeable, because it would not be liquid-pervious. Claim 1 states that the liquid-pervious layer is hydrophilic in the wetting region and that all remaining parts of the liquid-pervious layer are constituted of a hydrophobic material. First, as discussed above, the diaper of Miller et al. is **not** hydrophilic in the wetting region, contrary to the Examiner's argument. Second, the moisture-impermeable periphery of Miller et al. can no longer constitute a part of the liquid-pervious surface layer because it is not liquid-pervious. Thus, Miller et al. fail to disclose or suggest two important elements of the presently claimed invention.

In light of the above, Applicant respectfully submits that Miller et al. cannot anticipate the presently claimed invention. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Miller et al. The Examiner argues that the use of any hydrophilic absorbent material would yield the same results as the claimed hydrophilic material. This rejection is respectfully traversed.

Without conceding to the Examiner's arguments concerning the choice of hydrophilic material, Applicant has demonstrated above the deficiencies of Miller et al. in providing all of the claimed elements of independent claim 1. Claims 4 and 6 depend from claim 1. Therefore, Miller et al. cannot render claims 4 and 6 obvious. Withdrawal of this rejection is respectfully requested.

Claims 2, 7-8, and 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Miller et al. in view of Bien et al. The Examiner admits that Miller does not disclose or suggest an article exhibiting a hump projecting from the liquid-pervious surface layer wherein the hump on the article at least partially coincides with the wetting region. However, the Examiner argues that Bien et al. disclose an article with a hump projecting from the liquid-pervious surface layer. Thus, the Examiner argues that it would have been obvious to employ a hump in the wetting region because the hump would provide improved contact of the absorbent article with the wearer as taught by Bien. The Examiner also argues that Bien disclose an article with a laminate of a first liquid-pervious layer, hydrophobic material layer arranged closest to the absorbent body and a second liquid-pervious, hydrophilic material layer of substantially a same extension as the wetting region. The Examiner asserts that Bien disclose a structured material with an opening through which the hydrophilic layer is exposed and a shaping member to bring the wetting region into contact with the mucous membranes of the user. Finally, the Examiner alleges that the use of any hydrophilic absorbent material would yield the same results as the claimed hydrophilic material. This rejection is respectfully traversed.

Applicant has demonstrated above that Miller et al. is deficient in anticipating the presently claimed invention in independent claim 1. Claims 2, 7-8, and 13-15 depend, either directly or indirectly from claim 1. Bien et al. do not remedy this deficiency. Additionally, with regard to the Examiner's specific comments regarding claim 2, Applicant respectfully submits that the characterization of Bien et al.'s Figure 5 as showing a hump that projects from a liquid-pervious topsheet is incorrect. Bien et al.'s Figure 5 shows a hump (including the liquid-pervious topsheet (24) (24 = 25 and 27 in this embodiment) protruding between two cuffs (40), which is also described in col. 11, lines 3-

6 and col. 18, lines 61-63. Here, it is stated that cuffs (40) are disposed on the topsheet (24) along at least a portion of each longitudinal edge 22. Applicant notes that Col. 18, lines 61-63 state that the description of Figures 1-3 regarding the portion in question is valid for Figures 4 and 5. Hence, the hump does not project from the topsheet as claimed in claim 2, and as shown in Figures 5 and 6, of the present application, but only protrudes between the cuffs.

Accordingly, because neither Miller et al. nor Bien et al., either alone or in combination, disclose or suggest each and every element of the presently claimed invention, these publications cannot render the presently claimed invention obvious. Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable consideration of the subject application in the form of a Notice of Allowance are respectfully requested and such action is earnestly solicited.

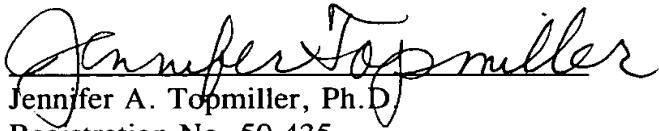
If there are any questions concerning this amendment, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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Attachment to REPLY & AMENDMENT dated July 14, 2003

Mark-up of Claims

3. (Three Times Amended) Absorbent article according to claim 1, wherein the hydrophilic material in the liquid-pervious surface layer primarily consists of hydrophilic, absorbent [fibres] fibers including cellulose [fibres] fibers, cotton, rayon, jute, or peat moss.

5. (Three Times Amended) Absorbent article according to claim 1, wherein the hydrophobic material in the liquid-pervious surface layer primarily consists of hydrophobic [fibres] fibers including polypropylene [fibres] fibers, polyethylene [fibres] fibers, polyester [fibres] fibers, or hydrophobic bi-component [fibres] fibers.

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